

## **Historic, Archive Document**

Do not assume content reflects current scientific knowledge, policies, or practices.



Ag 84Pro

# 1322

# Patent License Program



United States  
Department of  
Agriculture

PREPARED BY  
Agricultural  
Research  
Service

Program Aid  
Number 1322

# Patent License Program

## Foreword

The U.S. Department of Agriculture (USDA) has been encouraging public use of its patented research and technology through a Patent License Program for over 25 years. The Department has more than 1,200 unexpired patents that are available for license, many of which have commercial application.

USDA's Patent License Program conforms with Public Law 96-517, effective July 1, 1981, that authorizes all Government agencies to issue patent licenses. Regulations implementing this Law are published in Title 41 of the code of Federal Regulations, beginning at Section 4.1 of Part 101. These licenses are usually granted on a domestic, nonexclusive basis. However, exclusive or partially exclusive licenses are granted if:

- it best serves the interest of the public,
- the desired practical application of the invention has not been achieved,
- the practical application is not likely to be achieved expeditiously under a nonexclusive license, and
- an exclusive or partially exclusive license is a reasonable and necessary incentive to promote the investment of risk capital to bring the invention to practical application.

A few of USDA's inventions are also available for limited foreign licensing.

## How to Apply

Prospective licensees may obtain an application form (AD-761) from:

Chief, Program Agreements and  
Patents Management Branch  
U.S. Department of Agriculture  
Agricultural Research Service  
Administrative Service Division,  
Room 524, Federal Building  
6505 Belcrest Road  
Hyattsville, Maryland 20782

The applicant is required to furnish basic business information and a description of a development or marketing plan for the invention. The plan submitted may be, by law, kept confidential.

Applications will be evaluated to assure that the intended use will not contravene the purpose of the license agreement.

## License Provisions

Products sold by the licensee through use of the patent must generally be manufactured substantially in the United States.

A license may be for all or less than all fields of use of the invention or in a specific geographic area, or both.

The license is nonassignable without approval of USDA. It may, however, be extended to subsidiaries of the licensee.

The license is revocable for specific reasons, such as nonuse of the patent or failure to comply with governing regulations.

- The public use of a USDA patent without express permission by the USDA constitutes an unauthorized use.

## Licensee Responsibilities

Licensees are required to report at least annually on their utilization or efforts to utilize the patent. These reports may be, by law, kept confidential.

### License Catalogues

USDA publishes an annual index of all its active patents entitled "USDA Inventions Available for Licensing." Copies may be obtained free from:

Chief, Program Agreements and  
Patents Management Branch  
U.S. Department of Agriculture  
Agricultural Research Service  
Administrative Services Division  
Room 524, Federal Building  
6505 Belcrest Road  
Hyattsville, Maryland 20782

The North Central and Western regions of the Agricultural Research Service publish an annual listing of patents, including brief abstracts, originating in their own regions. For free copies of these listings you may write to:

Patent Advisor  
USDA, ARS, North Central Region  
Northern Regional Research Center  
1815 North University Street  
Peoria, Illinois 61604

Patent Advisor  
USDA, ARS, Western Region  
Western Regional Research Center  
800 Buchanan Street  
Berkeley, California 94710

## **Additional Information**

### **Technical Assistance**

For most of its inventions, USDA can provide technical advice to assist licensees in expediting commercial development of the invention. USDA's scientific staff is available and frequently assists industries and individuals in adapting new and improved products or processes.

### **Copies of Patents**

USDA-owned patents and patent applications are published periodically in the Federal Register and in the Official Gazette of the United States Patent and Trademark Office. These publications are available from:

Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20492

Copies of patents issued in the United States are available from:

Commissioner of Patents and Trademarks  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

When ordering patent copies, the patent number must be identified.

### **Copies of Pending Patents (patent applications)**

A weekly publication entitled "Government Inventions for Licensing" includes USDA patents and pending patents with brief abstracts. Inventions believed to have more than average commercial potential are highlighted in this publication available on an annual subscription basis from:

National Technical Information Service (NTIS)  
U.S. Department of Commerce  
5285 Port Royal Road  
Springfield, Virginia 22161

NTIS also sells copies of pending patent applications in both paper copy or microfiche form. Requests for copies must include the patent application serial number. To obtain these copies, write to NTIS at the address given above.

**Issued April 1983**